

So now President Clinton faces a dilemma, what to do. After the Senate Judiciary Committee action today, or failure to act, should the President walk away from Bill Lann Lee and try to find some other for the job? I hope he doesn't. I hope he doesn't. I hope the President will appoint Bill Lann Lee, as he has the right to do, as a recess appointment to this job that will at least give him 1 year to serve in this position. He deserves it. And in that service he will prove to a lot of his detractors that he is up to the job.

In addition, I might add, if Bill Lann Lee won't make it in this position, if Republicans are opposed to him, I am afraid there isn't a person the President could send that they would approve because, you see, they are not looking for someone who represents the philosophy of the administration, the philosophy of the Department of Justice or the philosophy of the President. They are looking for someone who represents their Republican philosophy. But if I understand the Constitution in its basic form, the people of America spoke last November and said that Bill Clinton was to be the President. They endorsed his philosophy over Bob Dole and other candidates, and now when he tries to appoint people to positions to carry out that philosophy, they say, no, we are not going to let that happen.

That is a sad situation, sadder still when you think about how this has developed to a point where what was a bipartisan consensus on the issue of civil rights is starting to deteriorate very dramatically. Today in the committee only one Republican Senator, ARLEN SPECTER, of Pennsylvania, said he would vote for Bill Lann Lee. We needed one more out of the remaining nine, and we could not find them. So Bill Lann Lee's nomination languished.

What is sadder still is that this fine man and his beautiful family are now left with uncertainty about their future. When he could have been preparing to serve this Nation in an important capacity and make life better for so many people, his future is in doubt.

Those who argued that this is just a question of race looked beyond the issue of civil rights in its entirety.

The issue of civil rights goes beyond racial questions into questions involving gender, questions involving people with personal physical disabilities, questions of ethnic background. The Civil Rights Division makes us feel uncomfortable as Americans because time and again it forces us to focus our view on things we don't want to talk about. We don't want to talk about discrimination at a major corporation against African Americans. We don't want to talk about discrimination at a major city's police department against women. We don't want to talk about meetings of Federal law enforcement officials, as happened several years ago, where there were outright racist comments being made time and again.

Yet we must. Because if this Nation really stands for what we believe it does, if it is truly committed to equal rights, we have to face the reality that there are times when we have strayed from our goal.

Bill Lann Lee, I hope, will ultimately be confirmed by this Senate, I hope not only because he would be the highest ranking Asian American in the history of this country but also because, with his life, he has set out to prove that having been the son of Chinese immigrants, having been someone who is a recipient of an affirmative action program at Yale University and also at Colombia Law School, that he could prove himself to be up to the task.

I had a moment this evening, so I took out a card in my desk and wrote a personal note to him because I have been thinking about him a lot recently. I still remember his wife, his family. I especially remember his mother, his mother who is I am sure up in years but I won't even try to guess what her age might be. She was a woman who worked in a hand laundry in New York for years, and there she sat at a confirmation hearing seeing her son who used to run around this little hand laundry in New York now being nominated for one of the highest positions in the Federal Government. I am glad she got to see that nomination, but I am sorry that she had to witness what has happened since. She came to this country as an immigrant with hope. Her husband, who Bill Lee identified as his greatest inspiration in life, was a man who was totally committed to this country.

During World War II, at the age of 36 when he could have escaped the draft, he volunteered, went into the Army Air Corps and served with real distinction. When he came out he said to his sons, "It was the right thing to do. They treated me like I was an American—not a Chinaman living in America."

That lesson was not lost on Bill Lann Lee. It hasn't been lost on any of us. I sincerely hope that when we return, some of the rancor and some of the negative feelings have abated and that people will consider once again the need to look at this important nomination. If there needs to be a national debate on affirmative action, the debate should take place right here on the floor of this Chamber. Democrats and Republicans can argue the merits or demerits. They can talk about changes, as we should in any law. But to make this one man the focal point of this debate and to literally say that he cannot have an opportunity to serve because we as a nation are divided on the question, I think is fundamentally unfair.

So, as we adjourn and go off for another 10 or 11 weeks back in our districts and other places, back in our home States, I hope we will not forget that we have a responsibility when we return, a responsibility not just to Bill Lann Lee but to many others who hope that in a bipartisan fashion we can

continue to address the issue of civil rights in a civil manner.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REAL ESTATE SETTLEMENT PROCEDURES ACT AMENDMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 607, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 607) to amend the Real Estate Settlement Procedures Act of 1974 to require notice of cancellation rights with respect to private mortgage insurance which is required as a condition of entering into certain federally related mortgage loans and to provide for cancellation of such insurance, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1637

(Purpose: To provide for a substitute and to amend the title.)

Mr. LOTT. Mr. President, Senator D'AMATO has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. D'AMATO, proposes an amendment numbered 1637.

Mr. LOTT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1637) was agreed to.

The bill (H.R. 607), as amended, was read the third time and passed.

#### BOYS AND GIRLS CLUBS OF AMERICA FACILITIES ESTABLISHMENT ACT

Mr. LOTT. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on